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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.			
09/844,566	04/27/2001	Thomas Boyer	367A	1789			
47827	7590	08/23/2005	EXAMINER				
BIRCH, STEWART, KOLASCH & BIRCH LLP PO BOX 747 8110 GATEHOUSE ROAD, STE 500 EAST FALLS CHURCH, VA 22040-0747				MCDONALD, SHANTESE L			
ART UNIT		PAPER NUMBER					
3723							
DATE MAILED: 08/23/2005							

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/844,566	BOYER ET AL.
	Examiner	Art Unit
	Shantese L. McDonald	3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 December 2002.  
 2a) This action is **FINAL**.                                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 and 19-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3,6,7,10-14 and 17-26 is/are rejected.  
 7) Claim(s) 4,5,15 and 16 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 12/13/02.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11,12,22,23 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 11 and 12, it is unclear as to what are the segments of each segment pair. Isn't the segment pairs made up of connectors, and if so then how can then what is the segment of the segment pairs?

In claims 22,23 and 25, it is also unclear as to what the segments are. The claim states that each of the first and second groups of segments comprises three of said segments.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,6,7,10-14 and 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. in view of Moulin.

Miller et al. teaches a polishing fixture assembly for a fiber optic cable connector polishing apparatus comprising a plurality of segments holding a plurality of different

types of fiber optic cable connectors, at a predetermined angle relative to the plane of the hub, a portion of each type of fiber optic cable connector extending below its corresponding segment, a plurality of segment pairs, each segment pair holding a plurality of different types of fiber optic cable connectors, a hub, 60, interconnecting with each of the plurality of segments, wherein the portion of each fiber optic cable connector extending below its corresponding segment is polished by a polishing pad. Miller et al. also teaches the segments being arranged into a plurality of groups including a first group and a second group, wherein the first group holds a plurality of a first type of fiber optic cable connectors, and the second group holds a plurality of a second type of fiber optic connectors, and a third group that holds a plurality of a third type of connector, (col. 4, lines 1-61). Miller et al. teaches all the limitations of the claims except for polishing with a polishing medium. Moulin teaches using a polishing medium, 35, when polishing a fiber optic cable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the invention of Miller et al. with a polishing medium, as taught by Moulin, in order to enhance the polishing capabilities.

In reference to the first and second groups, one could bisect the hub, 60, with an imaginary line across the center and call the top the first group and the bottom the second group, and then the first group would contain a first type of connectors and the second group would contain a second type of connector.

In reference to the third type of connector and the third group, Miller teaches that the hub accommodates ferrules in connectors of various geometries, therefore one can assume that there could be a third type.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller as modified by Moulin as applied to the claims above, and further in view of Cote et al.

Miller as modified by Moulin teaches all the limitations of the claims except for a polishing pad assembly having a plurality of wedges, each wedge aligning with a corresponding fiber optic cable connector and a base interconnecting with each of the wedges. Moulin teaches a polishing pad having a plurality of wedges, (fig. 3c), interconnected with a base, 116. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the polishing system of Miller as modified by Moulin with a wedged polishing pad, as taught by Cote, in order to enhance the polishing capabilities.

#### ***Allowable Subject Matter***

Claims 4,5,15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantese L. McDonald whose telephone number is (571) 272-4486. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.L.M.  
August 4, 2005

  
Joseph J. Hail, III  
Supervisory Patent Examiner  
Technology Center 3700